

Minutes of the Taunton Conservation Commission April 11, 2016

Present: Chair Steven Turner, Vice Chair Neil Kelly, Commissioners Marla Isaac, Debra Botellio, Luis Freitas, and Renwick Chapman. Absent: Commission Ernest Enos

Motion to approve the minutes of March 21, 2016, DB, second MI, so voted.

Motion to continue approval of the minutes from March 28, 2016, DB, second MI, so voted.

Continued Certificate of Compliance

1. **700 Joseph Warner Blvd., Saint-Gobain Performance Plastics Corp., (COC), SE73-2558** Motion to continue to May 16, 2016, DB, second NK, so voted
2. **155 Duffy Drive, Butterfield, (COC), SE73-2464** Motion to continue to May 16, 2016, DB, second MI, so voted.

(RC arrived)

Public Meeting

1. **Route 140 Southbound, MassDOT, (RDA), DSE-1124** Andrea Coates present. Motion to approve with conditions 1, 2, 4, 18, 19, DB, second RC, so voted. Field report attached.



Taunton Conservation Commission

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FIELD REPORT

SITE: Route 140 Southbound, DSE 1124
DATE: April 4, 2016
PURPOSE: Request for Determination of Applicability

This filing is for the repair of an eroded shoulder on the southbound side of Route 140, 350 feet north of the Tremont Street and Alfred Lord Blvd. split. This project is exempt from the Riverfront requirements under 310 CMR 10.58 (6)(a) regarding the maintenance of roadways.

The work entails replacing the eroded base under the concrete base course of the roadway and placing crushed gravel one foot deep over filter fabric and over a 15 foot long by 10 foot wide area.

The proposed work will stabilize the slope, thus preventing siltation of the slope into the wetland and riverfront. I recommend that the Taunton Conservation Commission approve this project and issue a Negative Determination to include the attached Special Conditions.

Respectfully,

Michele Restino
Conservation Agent

Amendment

1. **295 Broadway, Tucan, (Amend), SE73-2358** Karen Patenaude present. Motion to continue to May 16, 2016, DB, second NK, so voted.

Continued Public Hearing

1. **Briggs Street (Lot 1), Hopgood/Clarewood Homes, (NOI), SE73-2637** Karen Patenaude present for the applicant. Changed from a two car garage to a one, smaller deck, not 1 more foot away in front because with stairs it could not be done. RC still in opposition but did do what was asked of them. Motion to approve with the changes made, NK, second LF, vote taken Opposed 3, In Favor 2, motion does not carry. This was denied. Karen will speak with the applicant on what their next step will be. RC is going by the By-Laws and there is no hardship here. NK asked if deck removed, RC ok? RC no. MR still grading within the 25 foot no touch. Field report attached.



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FIELD REPORT 2

SITE: Briggs Street Lot 1, SE 73-2637
DATE: April 6, 2016
PURPOSE: Notice of Intent

This project is for the construction of a single family house with attached garage, deck, utilities, and associated grading. This filing was continued per the request of the Commission to bring the work as far out of the WPZ as possible by moving house up one foot and decreasing the size of the deck and lessen the amount of grading.

The house was moved up one foot to meet the 25-foot setback, and the deck was changed from 12' x 14' to 10' x 14'. The siltation barrier is now set at 15 feet and is the limit of work. The deck is 22 feet from the wetland and grading will be 17 feet from the wetland.

This still leaves a very small rear yard (around 15 feet of lawn leaving 15 feet of untouched buffer) and there should be no further changes made to the remaining buffer zone (perpetual condition).

I recommend that the Taunton Conservation Commission approve this project and issue an Order of Conditions to include the attached Special Conditions.

Respectfully,

Michele Restino
Conservation Agent

(MR and DB stepping down from this hearing)

2. **Route 24 & 140 Interchange, Mashpee Wampanoag Tribal Gaming Authority, (ANRAD), SE73-2647**
Amanda Atwell present from Epsilon & Assoc. representing the applicant. RC MR comfortable with the changes? Yes comfortable with what they've come up with. Amanda-Things like drainage features/ditches were flagged just for dialogue but all has been changed to reflect what the TCC wanted. ST #13 Intermittent Stream that flows from Bristol Plymouth? Yes. RC primarily for road improvements? Amanda said this was done to identify resource areas period. RC design parameters? Amanda said yes and calculate impacts. Also present and in favor of this project was Mike Clement and Andrea Coates. Motion to approve ORAD, NK, second RC, so voted. Field report attached.



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FIELD REPORT

SITE: Route 24 & Route 140 Interchange, se 73-2647
DATE: April 8, 2016
PURPOSE: Abbreviated Notice of Resource Area Delineation

This filing is for the approval of wetland resource areas within the vicinity of future roadwork on Route 24 and Route 140 near Stevens Street and including the interchange cloverleaf at Exit 12.

The wetland resource areas were delineated by Epsilon Associates, Inc. in January, 2015, and I reviewed these delineations on March 23rd with Amanda Atwell from Epsilon Associates. There were a number of detention basins and drainage swales that were incorrectly flagged as wetlands and were revised by Epsilon. A revised plan was submitted on March 20, 2016 reflecting these changes. The wetland areas include, Palustrine Forested and Scrub-Shrub, Palustrine Emergent, and Intermittent and Perennial Stream. Only the flags within the state highway system layout have been submitted in my report.

Wetland 18 is a Palustrine Forested, Scrub-Shrub, and Emergent BVW on the west side of Rte 24S and is flagged 18-1 to 18-15, 18-200 to 18-226, 18-300 to 18-309, 18-400 to 18-412, and 18-600 to 18-604. Associated with Wetland 18 is an Intermittent Stream which is flagged b18-1 to b18-13, b 18-1A to b18-14A, b18-1 to b18-4, b18-1a to b18-4a, b18-108 to b18-112, and b108a to b112a.

Wetland 20 is a Palustrine Scrub-Shrub BVW and is flagged 20-1 to 20-6. This is located on the west side of Rte 24S.

Wetland 21 is a Palustrine Scrub-Shrub BVW using flags 21-1 to 21-8 and is located on the west side of Rte 24S.

Wetland 25 includes a Palustrine Forested and Scrub-Shrub and an Intermittent Stream with the following flags: 25-1 to 25-26, 25a-1 to 25a-3, 25-100 to 25-109, 25-1B to 25-6B, 25-1A to 25-6A, 25A-1 to 25A-4, 25A-25AB, 25A-24, 27-15 to 27-19, and 27-16A to 27-20A and is on the west side of the Rte 24S on-ramp.

Wetland 26 is a Palustrine Scrub-Shrub BVW flagged 26-1 to 26-18, 26-3 to 26-37, 26-100, 26-102 to 26-127 and is on the east side of the Rte140N on-ramp.

Wetland 27 is a Palustrine Scrub-Shrub BVW flagged 27-1 to 27-16, 27-110 to 27-111, 27-20 to 27-23, and 27-2 to 27-14 on the south side of Rte 140S.

Wetland 29 is a Palustrine Emergent Isolated Wetland flagged 29-1 to 29-5 and is located on the west side of the Rte 140 on-ramp.

Wetland 30 is a Palustrine Scrub-Shrub BVW located on the west side of the Rte 140 on-ramp, and flagged 30-1 to 30-17, and 30-19 to 30-21.

Wetland 31 is a Palustrine Scrub-Shrub BVW located on the west side of Rte 24S and flagged 31-1 to 31-9.

Wetland 32 is a Palustrine Scrub-Shrub BVW and Intermittent Stream and flagged 32-1 to 32-11 and 32-1S to 32-9S. This is located on the west side of 24S.

Wetland 34 is a Palustrine Forested BVW flagged 34-2 to 34-15 and is on the west side of 24S.

Wetland 37 is a Palustrine Scrub-Shrub BVW, on the west side of 24S, has a stormwater drainage ditch adjacent to it and is flagged 37-1 to 37-5.

Wetland 38 is a Palustrine Scrub-Shrub BVW flagged 38-2 to 38-10, and an Intermittent Stream flagged 38-1S to 38-10S. This area is on the east side of 24N.

Wetland 43 is a Palustrine Forested and Scrub-Shrub BVW flagged M-25 to M-41 (also flagged as 43-102 to 43-114). This is on the east side of the Rte 140S off-ramp.

Wetland 47 is a Palustrine Emergent Isolated Wetland flagged 47-100 to 47-104 located south of County Street on the east side of Rte 140N.

Wetland 51 flags the Cotley River, BLSF, Bank, and Riverfront, using flags 51-100 to 51-104.

Wetland 52 is a Palustrine Emergent BVW at the Rte 140S on-ramp and is flagged 52-1 to 52-26.

Wetland 53 is a Palustrine Emergent and stormwater pond BVW located at the Rte 140S on-ramp and flagged 53-1 to 53-9.

Wetland Series A is a Palustrine Forested and Scrub-Shrub portion of the Cotley River floodplain and is considered BLSF and BVW. It is flagged A-635, A-610 to A-611, A-601 to A-606, and A501 to A507.

Stream Series B delineates the Cotley River with BLSF, Bank, and Riverfront as resource areas. It is flagged B220 to B222 and B111 to B113.

Wetland Series M is a Palustrine Forested and Scrub-Shrub portion of the Cotley River floodplain with BLSF and BVW flagged using flags M-25 to M-41 (also identified as 43-102 to 43-114).

Respectfully,

Michele Restino

Conservation Agent

(MI and DB back in)

- 3. Winthrop Street (90-6), Hinton, (NOI), SE73-2648** John Desousa present for the applicant. Diesel was removed, all work outside of the 25 foot protection zone. They eliminated 20,000 square feet of asphalt, kept basin size the same. They met with Planning with only a few comments from them. They still have to show gas trap and register it with DEP. They are in the process of getting NPDES. DB thanked him for doing all that was asked by TCC. RC said this plan is much better. Motion to approve with conditions 1, 2, 3, 4, 5, 7, 8, 9, 11, 15, 16, 17, 19, 20, 24, 25, 26, 27, 28-copy of the NPDES Permit to be submitted prior to any work, 29-an O&M plan to be submitted prior to commencement of work, 30-a copy of the schedule prior to start of work, DB, second RC, so voted. Public Input: 1. Faith Wagner 15 Harvard Street. 1.5 acres of land, tons of wildlife there. First the applicant ripped out a bunch of trees, now water is running through a brook there and puddling in her backyard. She was told years ago due to the wetlands there nothing would ever be done on the land and now this. She is concerned for the animals and noise levels. MR showed her where the limit of work is-a guardrail. ST this project was a lot further back and deeper but with the new changes it is a much better design and further away from her property. Ms. Wagner asked if the 10 trees put back there now will be replaced because they are sorry looking. MR stated that the applicant must do a landscaping plan. John Desousa said they will have a 6 foot vinyl fence put up in a u shape on both sides and back of lot and 6-8 foot hollies (trees not shrubs) will be planted. Ms. Wagner agrees trees would be better. RC design pulled back because before there was too much impact to the wetland. Fence will help with noise and light. John said lights will also have a shield on them so light will be contained to the property not onto any other property. MR said this will not add any more water to her property, it probably won't lessen what she already has but won't increase. Also any water entering the wetlands will be cleaned before entering. 2. Jay Thomas Coulombe 341 Winthrop Street. This was wetland that was all filled up to the street. From Warner Blvd. to Dexter Farms there has been fill and things done that should have never been allowed. Goff Pond is right in Mr. Coulombe's backyard, it has so much wildlife there and putting in something like this will ruin that area. They've been saving turtles for years that have tried to cross Rt. 44 now what will happen to them? He is also concerned with lights shining right onto his house from the parking lot, maybe some trees in front or a fence? This is an issue to discuss with Planning & Zoning. Field report attached.



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FIELD REPORT 2

SITE: Winthrop Street (#342), SE 73-2648
DATE: April 7, 2016
PURPOSE: Notice of Intent

This filing was continued from the March hearing so that the Applicant could address the following issues that infringed on the 25-foot WPZ and would result in 3,640 square feet of permanent disturbance:

- A 6' solid vinyl stockade fence;
- Wooden guardrail;
- Versalok retaining wall – this comes within 2 feet of the wetland;
- Concrete curbing; and
- Pavement.

The Commission asked that all work be moved away from the 25-foot WPZ and that drainage calculations be provided. There were calls regarding the waste site status and according to MassDEP's website, this RTN was closed on 12.23.2004.

A revised plan and stormwater calculations were received on March 23rd. The plan now shows all work outside the 25-foot WPZ. The diesel fuel pumps and storage tanks were removed from the proposed project and the stormwater basin was moved north and farther from the wetland. The outlet for the basin was moved to the southwest corner of the basin and flows through a 12" culvert to a riprap apron 31 feet from the wetland.

As stated above, all work is now outside the 25-foot WPZ. The Versalok retaining wall will be the closest work at 26 feet. The height of the wall will vary from ½ foot to 2.3 feet. The gas pumps and storage tanks are at least 155 feet from the wetland and are located in the front of the property. The carwash will be recycling its water using a Purgeclean system.

The Applicant has met and revised plans in accordance with the Commission's requests, therefore, I recommend that the Taunton Conservation Commission approve this project and issue an Order of Conditions to include the attached Special Conditions.

Respectfully,

Michele Restino
Conservation Agent

Public Hearings

- 1. Phyllis road, TLC Development/Tutsch, (NOI), SE73-2646** Brian Dunn present for the applicant. Plans submitted day of meeting, unacceptable. Motion to continue to May 16, 2016, DB, second MI, so voted. Under discussion ST appreciates the passion of the Commission members but neighbors are here and would like to voice their concerns. NK feels the same as ST, it is frustrating but with all the abutters present it should be heard. MR understands and it was MR who requested Brian Dunn's engineer put in the 25 foot no touch, she may have been to blame as well. Brian Dunn would like to keep his record intact and to that point he has no problem with continuing this. He was working with MR to get the plans in, in a timely manner and does not want to start this off on the wrong foot. It was determined that the only change was the 25 foot no touch. Motion to continue was withdrawn. Brian said DEP had no comments on this plan. NK asked is this considered a hardship and accepted by the TCC or not? Otherwise it is an automatic denial. RC yes it is considered a hardship. RC move driveway towards westerly property line about 7-8 feet. Brian said then it would be right up against the property line, he did speak with the abutters Mr. and Mrs. Elias but they are not present tonight. He would rather not be right up on the property line. ST agrees he would rather see a buffer between the property line and the driveway. Brian said he will move it over as much as he can and put in a buffer. RC said not on but close to the line as possible. NK understands but bad idea having driveway right on the property line. RC sewer is a shallow smaller pipe, can be smaller than the water line so move the water line to where the sewer line is shown and move water to sewer line spot. Then this will be less impact. RC proposed house is outside the WPZ as is all the grading but down around the garage and retaining wall on WPZ. If it is rotated a bit you can eliminate all the grading. Brian Dunn but deck cannot be in the setback. Motion to continue to May 16, 2016, RC, second NK, so voted. Field report attached. Public Input: Kurt Matteson all wetlands here, he couldn't even put up a shed but they can put in a whole house. ST explained driveway to him and how the driveway was planned in regards to the wetlands. Leman Paddleford Duffy Drive, states that this property is not buildable. When the sewer line was put in the city said it wasn't buildable and there was no betterment charged. He questioned the driveway elevation compared to the existing houses there and was shown. They will be tying into the existing grade there now, matching existing grade. The blue flags are wetland flags, there is some standing water there now. Last question asked was if the property owner is responsible for maintaining the culvert? MR asked Brian Dunn to explain. He said after checking his notes that yes the property owner is responsible. Steve Leitao 75 Duffy Drive, they have always had flooding in their basement and the concern now is will this increase with the house going in. He said it has always been wet back there. MR said it won't get worse but this won't make it better. Leman Paddleford, asked if the driveway would be as close as previously discussed, to the property line? ST said he agrees that could be an issue and would rather see it 3-4 feet away. Alan Pellitier Phyllis Road, his concern is with the water there. Will it be contained onto this lot because with all the trees coming out where will all this excess water go? Brian Dunn said the major issue out there with the flooding is clay. ST wanted to know how many trees coming down? Brian did not know, ST said he wants those numbers for next meeting. Theresa Young 79 Duffy Drive, privacy issues for her. This house is directly behind her house. ST asked if her property is all trees now? Yes. ST Brian? Brian said it will be much thinner there now, there will be some clearing as this will be the backyard of the proposed house. ST told Brian make the neighbors happy, work with them on the issues. Arvin McGowan 131 Duffy Drive, just concerned on what the plan was and impact on the neighborhood. Site visit with TCC, date to be determined.



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FIELD REPORT

SITE: Phyllis Road (Map 68, Lots 157 & 158), SE 73-2646

DATE: April 11, 2016

PURPOSE: Notice of Intent

This project is for the construction of a single family home, driveway, utilities, grading, and a culvert to continue the link of an intermittent stream with the wetland. The wetlands were delineated by LSC Environmental Consulting on December 16, 2015 and January 4, 2016. Flags AA1 to AA11 follow the edge of the wetland from north to south along the west side of the property. AA1 connects to flag A1 which then follows along the eastern side of the wetland from flag A1 to A8. An intermittent stream flows from 60 Phyllis Road to this property.

The driveway, retaining wall and guardrail are all within the 25-foot WPZ but do not cause any permanent alterations to the wetland. The original plan had the driveway cutting through the width of the wetland from the end of Phyllis Road to the house. The longer driveway was recommended in order to prevent the wetlands from being permanently altered.

The house will be located in the rear of the second lot (68-157) and will be at least 31 feet from the wetland. The stone retaining wall will be at least 16 feet from the wetland.

The work as proposed does infringe on the WPZ but is much better than the originally proposed project. It offers access to the upland area which is allowed. The subdivision was created in the 1970's and 1980's just for the record. The Applicant has worked in good faith to create a project that would preserve the wetlands and still create a lot via a driveway that is at least twice as long, including the utilities which run along the edge of the driveway.

I recommend that the Taunton Conservation Commission approve this project and issue an Order of Conditions to include the attached Special Conditions. I also recommend that the wetland delineation be approved as enumerated above.

Respectfully,

Michele Restino
Conservation Agent

2. Duffy Drive, TLC Development/Tutsch, (NOI), SE73-2645 Brian Dunn present for the applicant. Motion to continue to June 20, 2016, DB, second MI, so voted. Most of house and grading in the 25 foot. NK hardship? RC yes, house created in 1984. Public Input: Albert Beauvais 120 Duffy Drive, he is concerned with this house going in. It was said back 25-30 years ago someone tried to fill this lot to build and the citizens fought it and won. It seems very small to be putting a house there. He had no water until about 4 years ago, now concerned with fill more water will be on his property. ST asked if he had trees along his property? Yes along his property line. MR will get DPW out there too, drains are blocked out there. Leman Paddleford, present just as a concerned resident. Eric and Rosie Sanchez 128 Duffy Drive, (NK OUT), they are very concerned with this house going in right next door. She wants their privacy to remain and with all the clearing, etc they will have none. She asked if they could request a 6 foot fence? MR said you can request it, bring it up to Zoning and Brian Dunn will speak with his client. Site visit, date to be determined.



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FIELD REPORT

SITE: Duffy Drive (68-41), SE 73-2645
DATE: April 5, 2016
PURPOSE: Notice of Intent

This project is for the construction of a single family home with attached garage, 12' x 12' deck, City sewer and water, and associated grading. This lot is on the southeast side of Duffy Drive between houses # 120 and #128. The wetlands were delineated by LSC Environmental Consulting on December 16, 2015 and April 8, 2016. This is not an ACEC or NHESP area.

The wetlands, a Scrub-Shrub BVW, on the proposed house lot were assigned flag numbers A1 to A5. The wetland across the road, a Palustrine Scrub-Shrub BVW, were assigned numbers WF A2 to WF A14. I am in agreement with the delineation.

This lot does not meet Zoning requirements for setbacks, dry area or total area.

I recommend that the Taunton Conservation Commission continue this filing to the June 20th meeting date.

Respectfully,

Michele Restino
Conservation Agent

Other Business

1. **Mass Division of Ecology Restoration.** Field training in stream crossings offered on 5/27/16.

Motion to adjourn, ST, second RC, so voted. Meeting ended at 9pm.